

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON**

DUSTIN ELSWICK, individually,

v.

**Civil Action No. 3:21-cv-00468
Honorable Robert C. Chambers**

**BRIAN D. HALL, individually, XERXES
RAHMATI, individually, SCOTT A.
LOWTHER, individually, BRIAN
LOCKHART, individually, PUTNAM
COUNTY COMMISSION, a political
subdivision of the State of West Virginia,
JOHN DOE, an individual,**

Defendants.

**DEFENDANT PUTNAM COUNTY COMMISSION'S
MOTION TO DISMISS PLAINTIFFS' COMPLAINT**

COMES NOW Defendant Putnam County Commission, by and through its counsel, the law firm of Bailey & Wyant, PLLC, Charles R. Bailey and Jeffrey M. Carder and for reasons more fully supported in the Memorandum of Law filed contemporaneously herewith, moves this Court for entry of an order dismissing Plaintiff's claims asserted against it.

WHEREFORE, Defendant Putnam County Commission respectfully moves this Court for entry of an Order granting its motion to dismiss the Putnam County Commission for all of Plaintiff's claims asserted against it and for all other relief that this Court deems just and appropriate.

**PUTNAM COUNTY COMMISSION,
By Counsel,**

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of foregoing **“DEFENDANT PUTNAM COUNTY COMMISSION’S MOTION TO DISMISS PLAINTIFFS’ COMPLAINT”** was served upon the following parties through the Court’s Electronic Case Filing (ECF) system on this day, Monday, October 25, 2021:

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